

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDREW ELLNER,	:	CIVIL ACTION
	:	NO. 20-6190
Plaintiff,	:	
	:	
v.	:	
	:	
BREM MOLDOVSKY, LLC, et al.	:	
	:	
Defendants.	:	

**O R D E R**

**AND NOW**, this **5th** day of **May, 2021**, upon consideration of Defendants' motion to dismiss (ECF No. 23) and the response and reply thereto, and after a hearing on this same date, it is hereby **ORDERED** that the motion is **DENIED** for the reasons stated on the record.<sup>1</sup>

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.

---

<sup>1</sup> During the hearing, the Court concluded, inter alia, that, viewing the facts in the light most favorable to Plaintiff, Plaintiff had stated a plausible claim under Rule 12(b)(6), that the Court had subject matter jurisdiction under Rule 12(b)(1), that venue was proper under Rule 12(b)(3), and that Rule 12(b)(7) did not require all potential plaintiffs to be joined. The Court dismissed with prejudice Defendants' Rule 12(b)(7) argument to the contrary.